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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,303	11/02/2000	Timothy Gephart Kirkpatrick	2030743-0001	4931

7590 04/05/2006  
MCGUIRE WOODS LLP  
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EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/704,303

Applicant(s)

KIRKPATRICK, TIMOTHY  
GEPHART

Examiner

Lalita M. Hamilton

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Summary**

On July 13, 2005, an Office Action was sent to the Applicant rejecting claims 1-47. On January 10, 2006, the Applicant filed arguments arguing against the provisional application in the primary reference.

Claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwan (6,990,467).

Kwan discloses a method and corresponding system pricing, transferring, buying, selling, and exercising options, which the Examiner is interpreting as having the capability of being utilized interchangeably with a grantor/grantee, lessor/lessee, or licensor/licensee comprising forwarding information regarding at least one receivable from a grantor to at least one potential grantee, offering a purchase option to the potential grantee, the purchase option providing the potential grantee the right but not the obligation to purchase the receivable, the purchase option providing the grantor with an obligation to sell the receivable, offering, by the potential grantee to the grantor, an option fee accepting the option fee by the grantor from the potential grantee, acceptance of the option fee by the grantor constituting an acceptance by the grantor of the purchase option from the potential grantee and thereby providing the potential grantee the right to purchase the receivable at or before the end of an option period, and in the offering a purchase option includes establishing a notification date where the notification date being a date on or before which the potential grantee is required by the purchase option to provide notification to the grantor regarding purchase of the

receivable, offering, by the potential grantee to the grantor, an option fee, wherein the option period is a time period that exists between the accepting the option fee by the grantor and the notification date (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); forwarding information regarding at least one receivable from a grantor to at least one potential grantee, offering an option to the potential grantee, the option providing the potential grantee the right but not the obligation to acquire the receivable, the option providing the grantor with an obligation to convey the receivable, offering, by the potential grantee to the grantor, an option fee, accepting the option fee by the grantor from the potential grantee, acceptance of the option fee by the grantor constituting an acceptance by the grantor of the option from the potential grantee and thereby providing the potential grantee the right to acquire the receivable at or before the end of an option period, and notification date being a date on or before which the potential grantee is required by the option to provide notification to the grantor regarding acquisition of the receivable, wherein the option period is a time period that exists between the accepting the option fee by the grantor and the notification date (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); at least one receivable is a collection of receivables (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); the receivable is non-limiting and may be a charged-off or delinquent commercial receivable (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); distributing non-confidential information from the grantor to the potential grantee determining if the potential grantee requested confidential information, and forwarding confidential

Art Unit: 3624

information from the grantor to the potential grantee if the potential grantee requested confidential information (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); the potential grantee offers to the grantor a purchase price offer for the receivable, along with the option fee offer, in return for the right to pay the purchase price at a later time (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); determining that the information about the potential grantee and determining that the information satisfies a list of requirements (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); the list of requirements is established by the grantor (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); forwarding, from the potential grantee to the grantor, notification regarding exercise by the potential grantee of the purchase option (col.6, lines 1-62); the notification is forwarded on or before the notification date (col.6, lines 1-62); if the grantee does not wish to accept the receivables, then the notification includes the grantee communicating to the grantor that the grantee does not wish to accept the receivables and if the grantee does wish to accept the receivables, then the grantee providing no communication to the grantor that the grantee accepts the receivables, thereby providing notification by the absence of any communication (col.1, lines 20-55; col.5, lines 4-50; col.6, lines 1-62; col.8, line 50 to col.9, line 65; col.10, lines 1-62); the grantee pays the purchase price and the receivables are conveyed from the grantor to the grantee (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); the potential grantee relinquishes and the grantor retains the option commitment fee (col.10, line 55 to col.11, line 10—price and fees may vary);

determining the amount of the option fee based on the length of the option period (col.10, line 55 to col.11, line 10—price and fees may vary); increasing the option fee as the length of the option period increases (col.10, line 55 to col.11, line 10—price and fees may vary); forwarding information regarding at least one receivables from a grantor to at least one potential grantee step is performed utilizing a computer (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); a computer determines the amount of the option fee, the computer determining the option fee based on the information regarding at least one receivables and terms of the purchase option (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); the third party is an agent of the primary grantee (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62); providing online collection services comprising clients utilizing collections services (col.1, lines 20-55; col.5, lines 4-50; col.8, line 50 to col.9, line 65; col.10, lines 1-62).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

Art Unit: 3624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

LMH